IN THE HIGH COURT OF JUDICATURE CHATTISGARH AT BILASPUR

W.P. NO.3705/2004

PETITIONER : Kunwarlal Sinha
S/o Hatei Ram Sinha, aged about 45 years, Assistant Teacher, R/o- Jamri P.O.- Jarkanhar, Dist. Rajnandgaon (C.G.)

VERSUS

RESPONDENTS

1. State of Chattisgarh Through Secretary, Department of School Education D.K.S. Bhawan, Raipur (C.G.).
2. District Education Officer, Rajnandgaon.
3. Block Education Officer, Dongargarh
4. Dhanesh Kumar Sahu S/o Unknown, aged-50 years, Assistant Teacher, Primary School, Gapaparkhurd, Block Dongargarh, Dist. Rajnandgaon.
5. Ramsai Darsena, S/o Unknown aged-35 years, President of Kishan Morcha, Dongargarh, Dist. Rajnandgaon.

P.R. No. 3693/04
Presented by Shri Kunwar Lal
dated 21.12.04
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Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTCLE 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the petitioner

As mentioned in the cause title.

2. Particulars of the respondents

As mentioned in the cause title.

(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3705 OF 2004

Petitioner : Kunwarlal Sinha

versus

Respondents : State of Chhattisgarh and others

Present : Mr. P.R.Patankar, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents No.1 to 3.
None appears for other respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Assistant Teacher in Primary School, Paragaonkala, Block Dongargarh has been transferred to Primary School, Gataparkhurd, Block Dongargarh, vide order dated 31-7-2004 (P-1).

2. This Court, vide interim order dated 17-12-2004, directed for maintaining *status quo*, as was existing on that day.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal